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ABSTRACT

This issue of "Client" discusses the "Freedom of Information Act" which was enacted in 1966 and amended substantially in 1974. The general philosophy underlying the Act is that all records in the possession of federal government agencies should be available for public inspection. The Act applies to federal agencies, which are defined to include any executive department, military department, government corporation, government controlled corporation, or other establishment in the executive branch of the government (including the Executive Office of the President), or any independent regulatory agency. The federal statute does not apply to Congress (or its committees) or the judiciary. The nine exemptions to mandatory disclosure which refer to the types of documents which the government may withhold are discussed. A section on how to use the act, including a discussion of the initial request, appeal to the head of the agency from an initial adverse decision, and appeal to the courts is also included, as well as a listing of additional sources for assistance and information. (LL)

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Communication Law Information: Edited Notes by Topic

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CLIENT

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SPECIAL "FOI" ISSUE

Some early descriptions of the federal "Freedom of Information Act" as a sort of master key to all government files were overly optimistic, for they underestimated the ability of bureaucracy to change the locks. Even recent amendments to the Act have not made it as broad in its scope or simple in its operation as it's supporters had originally hoped, but it is the only means of gaining access to a wide range of documents not otherwise available to the scholar. In this special topic issue, written by Attorneys Howard Liberman and Erwin Krasnow, every right and limitation of this legislation is pointed out in detail so that a researcher will know when it may be invoked effectively, and how it can be invoked.

Please let us know of your experiences in following this guide to gain source material. More researchers should be using this process to extend their investigative efforts and any suggestions that might help others to obtain access will be published in subsequent issues.

COMPARATIVE TELECOMMUNICATIONS INSERT

In this mailing is enclosed the first report of the Comparative Telecommunications Research Center, our foreign broadcast and cable reference system at the University of Wisconsin. We now have almost 2,000 references, correlated by nation and topic, and if you're interested in any specific trend described, please contact us as the report advises for the sources used. Also, if you'd like future issues of this report, please indicate this on the subscription renewal blank below and we'll be happy to send them to you.

FUTURE ISSUES--1976-77

The Fall issue is already taking shape, the first contributer issue with studies of comparative hearing standards, basic legal research suggestions, a discussion of the recent UN direct satellite committee meetings among other features. The Winter issue is tentatively scheduled to include a source locator for early federal broadcast decisions, and planning has begun for an international broadcast law issue in the Spring.

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Please return this blank with your check in the amount of $2.50 made payable to Don Le Duc, CLIENT. Send to Dept. of Communication Arts, University of Wisconsin, Madison, WI 53706

CS 501 409

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USING THE FREEDOM OF INFORMATION ACT

The Freedom of Information Act was enacted in 1966 and amended substantially in 1974. The Act can be found at 5 U.S.C.§552. The general philosophy underlying the Act is that all records in the possession of federal government agencies should be available for public inspection. There are nine specific exemptions to manditory disclosure each of which must be construed narrowly. Thus, to use the Freedom of Information Act effectively, one must begin by determining whether or not the Act applies and, if so, whether one or more of its exemptions might pertain. The latter is not a determination that will be made easily. There has been and most likely will continue to be a substantial amount of litigation between agencies who claim that they may withhold disclosure of documents under one or more of the exemptions and private parties who claim that the exemptions do not apply. Nonetheless, it is convenient to use this two-step process--does the Act apply, and, if so, might one of its exemptions apply. If one of the exemptions might apply, you will then know that you could run into difficulty with a recalcitrant agency and, if you are insistent on obtaining the documents, possible court litigation.

When does the Act apply?

The first question then: to whom does the Act apply? By its terms, the Act applies to Federal "agencies," which are defined to include any executive department, military department, government corporation, government controlled corporation, or other establishment in the executive branch of the government (including the Executive Office of the President), or any independent regulatory agency. Although state agencies are not bound by the Act, many states have their own Freedom of Information Act statutes. The federal statute does not apply to Congress (or its committees) or the judiciary.

Advisory committees, although they may not be agencies within the meaning of the Act, are subject to the Act because its provisions are incorporated by reference in section 10(b) of the Federal Advisory Committee Act, 5 U.S.C. App. I §§1-15, which

governs the formation and meetings of advisory committees. Not included within the FOIA definition of "agencies" are corporations which receive appropriated funds but are neither chartered by the federal government nor controlled by it, such as the Corporation for Public Broadcasting. Other than these two kinds of situations, the issue of what is an "agency" will be confronted only rarely in the context of whether particular records are covered, but will arise more often in determining whether the various requirements of the Act applicable to concededly covered "agency" records must be complied with by a lesser or greater organizational unit within the particular governmental entity.

The nine exemptions

The exemptions to the Act are the types of documents which the government may withhold from disclosure. The "may" should be emphasized, because the Freedom of Information Act is discretionary. Agencies almost always may make documents available if they desire; the Act only limits the circumstances under which the agencies decide not to make documents available.

Exemption One allows agencies to withhold from disclosure information that is specifically authorized under criteria established by an executive order to be kept secret in the interest of national defense or foreign policy and, in fact, is properly classified pursuant to such an order. This exemption was modified in 1974 and the new language limits its applicability to information which is "properly classified" pursuant to both the procedural and substantive criteria contained in an executive order. If you make a request for documents which an agency has labeled secret in the interest of national defense or foreign policy, the agency much make a determination on your request that these records warrant continued classification under the criteria of the executive order governing the protection of national security information, regardless of the age of the documents. Thus, it is conceivable that a request to inspect documents that were classified "secret" several years ago may trigger a re-examination of that classification resulting in public availability of the documents.

Under the second exemption, agencies may withhold from public disclosure documents related solely to their internal personnel rules and practices. This exemption covers such materials as manuals that relate only to the internal management and organization of an agency, but would not exempt staff manuals instructing employees on how to perform their jobs. Courts have construed this exemption strictly,[1] and where the records are classified "personnel," but in fact contain instructions on how an employee must perform a job, the latter portions will not be protected. Examples of materials which an agency can withhold under this exemption include parking regulations, lunch schedules, and sick-leave policies.

The third exemption allows agencies to withhold materials which are "specifically exempted from disclosure by statute." There are more than 100 deferal statutes which allow agencies to withhold from disclosure certain records or documents. Any such statutes written after the enactment of the Freedom of Information Act most likely will not present a problem here because they will have been written with an understanding of the Act's existence and its allowance for other specific statutory exemptions. Problems, however, may occur with statutes written prior to the Freedom of Information Act which, in general terms, allow or require an agency to withhold its documents. The question then is whether the exemption in the Freedom of Information Act for documents "specifically exempted from disclosure by statute" will allow an agency to withhold documents under a general statute such as one that allows an agency to withhold documents "deemed confidential." The courts have deferred to the other statutes,[2] but legislation has been introduced which would specify that general statutes would be governed by the standards of the Freedom of Information Act instead of allowing the broad discretion to the agencies which the courts seem to be allowing them under present law.

1] See Vaughn v. Rosen, 523 F.2d 1136 (D.C. Cir. 1975).

2] See FAA v. Robertson, 422 U.S. 255 (1975).

Exemption four covers "trade secrets and commercial or financial information obtained from a person and privileged or confidential." Thus, in order to come within this exemption the material must consist of trade secrets or commercial or financial information, and must have been obtained from a person other than another government agency, and must be privileged or confidential. The "provileged or confidential" portion of this exemption has been interpreted to mean information of a commercial flavor which customarily would not be released to the public by the person from whom it was obtained.[3]

Exemption five covers inter-agency or intra-agency memoranda or letters which would not be available by law to a party (other than an agency) in litigation with the agency. There has been a great deal of litigation involving this exemption, most likely because of the tendency of government agencies to rely on it and claim that documents are "intra-agency memoranda." The courts have sustained agency use of this exemption to the extent that the agencies desire to withhold staff recommendations and analyses which are part of the agency "deliberative process." On the other hand, factual compilations or studies, even though prepared by agency staff exclusively for the use of the agency, must be disclosed upon request from a member of the public. However, if the factual compilation or study is "inextricably intertwined" with staff analyses and recommendations--the "deliberative process"--then the agency may be able to justify nondisclosure. As an example, a memorandum from a staff attorney to a supervisor or the decision makers recommending certain action in a pending case would be exempt from public disclosure, but those portions of the memorandum listing or analyzing facts would be available.[4]

It is also possible under the fifth exemption that an agency will claim that a decision or recommendation of a lesser body working within or under the agency

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[3] See National Parks and Conservation Ass'n v. Morton, 498 F.2d 765 (D.C. Cir. 1974).

[4] See NLRB v. Sears Roebuck & Co., 421 U.S. 132 (1975) and Renegotiation Board v. Grumman Aircraft Engineering Co., 421 U.S. 168 (1975).

is an "intra-agency memorandum" and, thus, exempt from disclosure. It is here that the question arises whether the lesser body itself is an "agency" and subject to the Act, although even if it is the documents in question might be an "inter-agency" memorandum or letter. However, if an agency adopts as its own the recommendation or analysis of the lesser body that recommendation or analysis is a "final agency decision" and, thus, available under §552(a)(2)(A) requiring agencies to make available for public inspection and copying their final opinions.

The second half of Exemption Five implies that even if a document is an inter-agency or intra-agency memorandum or letter it would be available for public disclosure if it would be available by law to a private party in litigation with the agency. Thus, this portion of the Freedom of Information Act requires some understanding of the Federal Rules of Civil Procedure and its Rules of Discovery. Availability of documents under the Rules of Discovery depends to some extent upon a demonstration of necessity, while decisions based on the Freedom of Information Act normally are not based on the motives or need of the particular party requesting documents. What has evolved here is a policy that the question for decision is whether a typical "private party"--not necessarily the applicant--would routinely be entitled to the material in question through discovery if it were in litigation with the agency.

Exemption Six exempts "personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." This is the one exemption in which there can be a balancing of the interests of the person requesting information against the extent of invasion of personal privacy of the person to whom the information relates. Thus, even if disclosure would seem to constitute an invasion of personal privacy, the agency must determine whether such invasion is "clearly unwarranted."

Two examples indicate how this sixth exemption works in practice. In Getman v.NLRB, 450 F.2d 670 (D.C. Cir. 1971), the court ordered disclosure to two law professors, who were conducting a labor voting study, of the names and addresses

of certain union employees eligible to vote in representation elections. The court held that the public benefit which would accrue from the scholars' research, compared to the nominal intrusion into the privacy of the persons listed, did not constitute a "clearly unwarranted" invasion of personal privacy. On the other hand, in Winehobby, U.S.A., Inc., v. Bureau of Alcohol, Tobacco and Firearms, 502 F.2d 133 (3rd Cir. 1974), the distributor of wine-making equipment was denied access to a list of names and addresses of all amateur winemakers filing for tax-exempt status with the agency: the court held that the purely commercial interests of Winehobby, U.S.A., Inc. (i.e., selling wine-making equipment) did not outweigh the invasion of privacy that would result to individuals from public disclosure of their names, addresses and other information.[5]

Exemption Seven was revised substantially in 1974. Prior to that time, agencies routinely withheld disclosures of documents by claiming they were "investigatory files." Now, the government must prove more:

> (a) that they are in fact investigatory records compiled for law enforcement purposes, and
>
> (b) that release would involve one of the six types of harm specified in clauses (A) through (F) of amended Exemption 7.

There will be cases under each of the six sub-categories further interpreting their meaning as agencies attempt to rely on them and private litigants take appeals. The first of the six (clause B)--that production of such documents would interfere with enforcement proceedings--apparently applies to investigatory records relating to law enforcement efforts which are still active or in prospect--i.e., records in an "open" investigatory file. The second (clause B)--that production of the investigatory records in question would deprive a person of a right to a fair trial or in partial adjudication--protect the rights of private persons, as opposed to the first, which protects the rights of the government. Clause B typically could apply when release of the requested material would cause prejudicial publicity in advance

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5] Winehobby also interpreted the word "similar" in the phrase "personnel and medical and similar" files in an expansive manner to include files containing information of a personal nature. This is an area where the Freedom of Information Act tends to overlap with the Privacy Act of 1974 (5 U.S.C. §552a). There probably will be further litigation in this area.

of a criminal trial or a civil case, or even in an administrative proceeding.

Clause C exempts law enforcement investigatory records to the extent that their production would "constitute an unwarranted invasion of personal privacy." As with Exemption 6 above, once it is determined that release of the information would constitute an invasion of an individual's privacy, there is a balancing process to determine whether such invasion of privacy is "unwarranted" compared to the public's interest in having the material available. It should be noted that disclosure of information about a person to that person does not constitute an invasion of a person's privacy.

Clause D allows agencies to withhold investigatory records compiled for law enforcement purposes to the extent that they would disclose the identity of confidential sources, and, in the case of records compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, Clause D allows withholding of the actual confidential information furnished by the confidential source. The term "confidential source" refers not only to paid informants but also to any person who provides information under an express assurance of confidentiality or in circumstances from which such an assurance reasonably could be inferred. Thus, under the first part of Clause D the information supplied by such a source may be releasable even if the identity is not. The second part of this Clause deals with information that might have been supplied by a confidential source, and allows withholding of such information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation.

Sub-clause E in the seventh investigation allows agencies to withhold investigatory records compiled for law enforcement purposes to the extent that the production of such records would disclose investigative techniques and procedures. This exemption would not apply to routine techniques or procedures which are known generally outside the government, such as ballistics tests and fingerprinting, but could be used,

apparently, to protect general procedures such as the number of investigators a commission has enforcing a particular rule.

Sub-clause F of Exemption Seven allows agencies to withhold investigatory records compiled for law enforcement purposes to the extent that the production of such records would endanger the life of physical safety of law enforcement personnel.

Exemption Eight pertains to reports used by agencies responsible for regulating financial institutions. Exemption Nine covers "geological and geophysical information and data, including maps, concerning wells."

How to use the Act

-- The initial request

By now, many federal agency personnel are familiar with the terms of the Act and, therefore, it is worthwhile to make informal attempts to obtain the materials you desire before making a formal request pursuant to the Freedom of Information Act. Initially, avoid dealing with the official "Freedom of Information Act" personnel many large agencies now have, but instead contact the person with substantive authority over the matters dealt with in the documents. In many cases you will find the person will make the documents available to you readily, and you may even find that the materials you desire are routinely available for public inspection. Also, keep in mind during these preliminary inquiries that if you do have to make a formal request you must identify the documents you desire with a reasonable degree of particularity. Therefore, even if the preliminary informal requests do not result in obtaining the documents, you should be able to glean information from the persons with whom you speak which will allow you to identify the documents with enough specificity to avoid further delays when you make a formal request.

At this preliminary stage and at all other stages you should keep notes on your telephone discussions and personal visits with agency personnel. Of course, keep copies of all correspondence.

The Freedom of Information Act requires each federal agency to adopt regulations

and guidelines implementing the terms of the Act. Therefore, for each agency you will be able to find in the Code of Federal Regulations or Federal Register the specific details governing the use of the Act. You should review these regulations prior to making a formal request. The formal request should follow exactly the details set out in those rules; if it does not, there is a danger that the agency will not treat the request as "made under the Freedom of Information Act" and you may not receive an answer within the Act's strict time limits. In addition to whatever requirements the agency has, you should always follow these guidelines: (a) specify on the request letter and on its envelope "Freedom of Information Act Request;" (b) describe in as much detail as you can the documents or information you desire, including, if you know, where they are located (c) indicate a willingness to pay, search and/or copy, but indicate a maximum amount (e.g., "If the search and/or filing fees will exceed $50, please contact me first."); and (d) be sure to include your telephone number as well as your name and address.

One important piece of information to obtain from the particular agency's rules is the proper office to which you should mail your request. If it reaches the wrong office they may forward it, but the time limit by which the agency must answer your request will not begin to run until it reaches the proper office. This may not be such a problem in centralized agencies such as the Federal Communications Commission, but could create substantial delays in agencies with offices throughout the country such as the Army Corps of Engineers.

Keep track of deadlines. Do not let the agency personnel processing your request feel that you are not anxious to obtain the materials.

-- Photocopy and search fees

The Act permits agencies to charge for photocopies of information released. These charges vary from three to five cents a page up to twenty-five cents per page. Some agencies do not charge if the costs are under a certain amount such as one or two dollars, but other agencies have a minimum fee. For example, the Department of Defense charges a $2 minimum plus five cents per page.

In addition to photocopying charges, the Act permits agencies to access reasonable search fees to locate documents requested. Some agencies do not have such fees, others charge a flat hourly fee, and some have a scale of hourly fees for clerical and professional employees. It pays to read the regulations of the agency before you express a willingness to pay search fees. Some agencies charge for searches even if the records are not found or turn out to be exempt from disclosure. On the other hand, agencies cannot charge for time spent by lawyers and other officials deciding whether or not to grant your request.

It is possible to obtain a waiver of search fees if you can show that release of the information can "be considered as primarily benefiting the public interest." The agencies are permitted to make a determination on these public interest arguments on a case-by-case basis. You should make such an argument with your initial request for information, including a statement on your intended use and how release of the documents will benefit the public in general.

Once you have an initial formal request for information under the Act, procedures outlined in the Act and most likely paralleled in the agency's regulations take effect. Therefore, be sure to keep copies of all correspondence with the agency. The agency must make a determination on a request made pursuant to the Act within ten days (not including Saturdays, Sundays and holidays) of its receipt of the request. Once it makes such a determination, the agency must notify immediately the person making the request the results of the determination, the reasons therefore, and the right of the person to appeal to the head of the agency in an adverse determination. Agencies may extend this ten day period up to an additional ten working days under "unusual circumstances," such as a need to search for and collect the requested records from field facilities, the need to search for and examine voluminous separate and distinct records demanded in a request, or the need to consult with another agency.

-- Appeal to the head of the agency from an initial adverse decision

If your initial request is denied, or if you have no answer within twenty

business days of the agency's receipt of your request, you may appeal to the head of the agency. Here, too, the agency rules will describe exactly how to address such an appeal so that it arrives at the appropriate office. Specify on the appeal and its envelope the words "Freedom of Information Act Appeal." The agency must make a determination on your appeal within twenty business days; again, in "unusual circumstances" the agency may extend this period for an additional ten days. If the head of the agency denies your appeal or fails to issue a ruling on it within the time periods specified in the Act, you may appeal to the courts.

Incidentally, if you are notified that the information is being made available, you should inquire as to how long it will be held for you. In some agencies the information may be held only for a certain number of days and then returned to its storage place. If you haven't looked at it by then, you might have to begin the procedure all over again and there is a possibility that you will be assessed additional costs.

-- Appeal to the courts

Appeal from an adverse agency decision may be filed in a United States District Court in the district where you reside, where the agency records are situated, or in the District of Columbia. The court considers the matter de novo, that is, the court can make a new determination pursuant to the Act as to whether or not the documents should be released and order the agency to release them. The burden is on the agency to sustain its action withholding disclosure, and the court may inspect the documents itself or order them inventoried and indexed. The Act specifies that these appeals should be given priority on court dockets and "expedited in every way." The Act also provides that the court may assess attorneys fees and other litigation costs in cases against the government where the plaintiff "has substantially prevailed."

If, in ordering the production of documents improperly withheld by an agency, the court finds that the circumstances surrounding the withholding raise questions whether agency personnel acted arbitrarily or capriciously, the Civil Service

Commission must initiate a proceeding to determine whether disciplinary action is warranted against the employee or officer who is responsible for the withholding. The Civil Service Commission may recommend that the agency take corrective action against the employee. It is not likely that federal employees will suffer "corrective action" very often due to their actions in withholding disclosure of documents. However, the mere existence of this remedy most likely will have an effect in making government officials responsible for Freedom of Information Act decisions more careful in dealing with all requests for information.

Additional Sources

If you need further assistance or information concerning the Act, you might contact one of the following:

The Reporters Committee for Freedom
of the Press
Room 1112
1750 Pennsylvania Avenue, N.W.
Washington, D.C. 20006
(202) 298-7460

Freedom of Information Clearing House
2000 P Street, N.W.
Washington, D.C. 20036
(202) 785-3407

Freedom of Information Center
School of Journalism
Box 858
University of Missouri
Columbia, Missouri 65201
(314) 882-4856

For further background and detailed discussion on the Act, refer to the following sources:

"The Freedom of Information Act: A Seven Year Assessment," Vol. 74, Columbia Law Review, beginning at page 895 (June, 1974).

Attorney General's Memorandum on the 1974 Amendments to the Freedom of Information Act, published by the United States Department of Justice, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (Price, 90 cents).

"Symposium on the 1974 Amendments to The Freedom of Information Act," Volume 25, The American University Law Review, beginning at page 1 (Fall, 1975).

Freedom of Information Act and Amendments of 1974 -- Source Book: Legislative History, Text and Other Documents, published by the Committee on Government Operations, U.S. House of Representatives, and the Committee on the Judiciary, U.S. Senate, for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (Price, $4.30 - Stock No. 052-070-02805-0).

COMPARATIVE TELECOMMUNICATIONS RESEARCH CENTER

Summer 1976 Vol. 1, No. 1

"THE CTRC REPORTS"

Don R. Le Duc, Director Edward Greenberg, Editor

Why these CTRC Reports?

Perhaps the most difficult problem for anyone attempting to evaluate recent developments in various national broadcast or cable systems has been the lack of current information about each national telecommunications service. Books and scholarly studies are generally dated by the time they reach the reader because of the rapid pace of change in this field, and trade journals, while topical, have neither the interest nor the space to place each telecommunications event they report in broader international perspective.

The purpose of The CTRC Reports is to lessen this problem by providing selected current information about various national telecommunication operations or policies in context, in order to isolate trends in this field not otherwise discernible. By drawing upon the cross-indexed references in the files of the Comparative Telecommunications Research Center, these reports will compare every isolated event reported about a national broadcast or cable system in an effort to suggest patterns in individual reports overlooked by trade journals and not yet discussed in any major scholarly journal or text.

As we see it, these reports will then fulfill two objectives---providing a survey of recent international telecommunication news for those seeking only an overview of significant current events in the field, while at the same time suggesting to the serious scholar areas which might yield significant research findings. With these purposes in mind we have not burdened each brief "trend" paragraph with comprehensive citation, but we would be happy to furnish the specific references cited in each section to anyone requesting them.

We do not hold these reports out as being exhaustively researched studies, but simply as an indication of an apparent trend or pattern in international telecommunications worth further study. We would appreciate any suggestions you might have for improving this service. We would also appreciate any documents or citations you could send us to aid in broadening the scope of these reports, or improving the accuracy of our analysis.

I would like to receive future issues of "The CTRC Reports". Please mail them to the following address:

Name

Street City

Nation (State-Zip)

Send to: Dr. Don R. Le Duc
Dept. of Communication Arts
U. of Wisconsin
Madison, Wisconsin 53706

I would like the citations for the following reference numbers: _____

The Comparative Telecommunications Research Center is supported in part by a grant from the Wisconsin Alumni Research Foundation.

CS501 #09

1. ACCESS

The right of citizens to gain access to national broadcast channels is becoming increasingly prevalent in Western European nations. Two additional nations recently formally recognized this right.

---The Italian Parliament included specific "public access" guarantees in legislation revamping the structure of the national broadcast organization, the RAI. The legislation provided access for political, cultural and religious groups as well as trade unions, cooperative movements and other groups of "considerable social interest"---

---The French Parliament provided similar "public access" guarantees in the Act reorganizing the state broadcast service, the ORTF. The French access program "Tribune Libre" has been on the air for a year.---

Besides these "access rights" the CTRC files indicate well established programs in Great Britain and West Germany. Thus, while "public access" may not be receiving quite as much attention from the press as in the past, this concept still seems to be very much alive.

CTRC Reference #'s 80, 140, 720, 970, 1030, 1056.

2. RECESSION, INFLATION AND BROADCASTING

The recent worldwide economic downturn affected national broadcast industries as well as other sectors of the economies. There were varied effects.

---In Great Britain establishment of a fourth network was delayed further. Along with this, British Independent television was forced to shave its schedule as well as cancel plans for more expensive production.---

---In West Germany rising costs forced the ZDF and ARD to look for more coproductions with other systems as well as among the german production units.---

---The severe recession in Italy forced the RAI to once again postpone the long awaited arrival of color television although it is slated to be introduced soon.---

---Rising costs and sinking advertising revenues forced Japanese network to cut costs and become much more ratings conscious.---

---Lower revenues from advertising was also a problem in Argentina where industrial firms were experiencing decreasing sales due to the skyrocketing inflation.---

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CTRC Reference #'s 70, 299, 304, 630, 632, 667, 904, 1049, and (A) (A- new item not yet numbered.)

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3. COPRODUCTIONS ON THE RISE

Due at least partially to economic and financial problems, it appears that an increasing number of production units are turning to the coproduction. They take two forms: first, amoung the various producers in one country and second amoung producers in different nations. Some recent examples include

---Germany and France-several intra national co-productions---

---Italian RAI-British IBA---

---French Telecip-English BBC-German-Swiss---

---German Polytel-English BBC---

---U.S. TimeLife-BBC---

Indications also show that in the near future Iran will involve its national system NIRT in coproduction as well.

CTRC Reference #'s 299, 304, 319, 350, 691, 756, 904, 995, and B, C, and D.

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4. TRADE PATTERNS IN PROGRAM SALES

Foreign broadcast program distributors have been looking to expand sales recently and what has apparently evolved is the opening of new trade lines.

---Spain's TVE seems to be one of the most bullish distributors and has expressed a desire to deal with Cuba and Eastern bloc nation as well as expand its Latin American markets.---

---Televisa-Mexico as well as being a heavy exporter to Spanish speaking South America is trying to expand in the non-Spanish speaking Caribbean.---

---France has become a significant importer since the ORTF was scrapped for the present more competitive system.---

---Markets to look out for in the future are in the oil rich Mideast nations where the broadcast systems are beginning to develop significantly.---

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CTRC Reference #'s 300, 679, 985, 1034, A, B.

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5. NATIONALISM AND BROADCASTING

While international program trade does seem to be on the rise, trends beginning to appear might temper this in the future. More nations are taking a protectionist approach towards broadcast programming and attempting to insure local production.

---Canadian cable television outlets are forced to delete commercials from stations imported from the United States and regulator CRTC is attempting to promote more Canadian content in programming and advertisements.---

---Australian television stations operate on a point system whereby programs with various degrees of Australian content are awarded a certain number of points, the station having to obtain a specified number of points per week to avoid having its liscense suspended or revoked.---

---Belgian cable operators are compelled (theoretically if not actually) to delete foreign ads.---

---Argentinian regulators are attempting to limit imported programming and have put restrictions on features dubbed outside of Argentina.---

---The Irish Government is under considerable pressure to open a new channel with Irish content rather than import BBC-I---

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CTRC Reference #'s 751, 924, 968, 995, 1030, 1058 plus "Canadian Limitation" file.